

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SAMUEL MENDEZ,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-35E
)	
PENNSYLVANIA DEPARTMENT OF)	Judge Sean J. McLaughlin
CORRECTIONS; PRISON HEALTH)	Magistrate Judge Susan Paradise Baxter
SERVICES, INC.; DR. MARK)	
BAKER; DR. FRAIDER)	
)	
)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, to-wit, this _____ day of _____ 2006, upon consideration of the foregoing **DOC Defendant's Motion for Leave to File Response to Amended Complaint *Nunc Pro Tunc*** it is hereby **ORDERED** that the Court will consider the State Defendant's original Motion to Dismiss and Brief in Support as its response to Plaintiff's Amended Complaint.

BY THE COURT;

J.